## REMARKS

Applicant thanks Examiner for the thorough examination. In response to the Interview Summary for the telephonic interview held on January 23, 2007, Applicant includes below a copy of the Examiner's comments regarding the substance of the interview. Applicant explained the invention and the newly added claims (e.g., claims 19 and 34) with emphasis to the moving screen and location on the screen that corresponds to the price. Applicant discussed an example of the user interface that was present at the website www.tradingtechnologies.com. Applicant also discussed the Jones reference with the Examiner. A thorough explanation is given below.

In response to the Office Action mailed March 22, 2007 ("Office Action" as used herein), Applicant respectfully presents the following remarks.

Claims 19-40 are currently pending, of which, claims 1 and 34 are independent. On page 2 of the Office Action, claims 19-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0004853 A1 ("Ram") in view of U.S. Patent No. 5,598,183 ("Robertson"). Applicant respectfully traverses these rejections based on at least the following remarks presented below.

To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, e.g., M.P.E.P. § 2142. While the examination of each claim is to be based on a "on a whole" basis, Applicant respectfully submits that neither cited reference discloses the aspect of the claimed invention that actually removes control of a cursor from the user in response to a dynamic event (e.g., an event that is outside the control of the user and/or action of the user input device that controls the cursor).

Particularly, independent claim 19 states, "automatically updating the display on the graphical user interface *upon receipt of the new market data*" by "updating the plurality of price levels" and "if by updating the plurality of price levels the price level would no longer correspond to the first location, but correspond to a second location, automatically displaying the cursor at the

second location so that the cursor continues to correspond to the price level." (Emphasis added). Independent claim 34 differs from claim 19 in that the dynamic event is an updating of the price levels based on a command to reposition. Claim 34 states, "automatically updating the display on the graphical user interface *upon receipt of the command to reposition*...." (Emphasis added). In both instances, the movement of the cursor is based upon an event that is not controlled by the user and/or not based on an action of the user input device.

In contrast, Ram discloses a need for the trader to maintain control over the cursor to choose a price, among other parameters. For instance, Ram discloses, "[a] trader may execute, or alter any trading order for a selected security being displayed at that instant in time by clicking on a selected cell...." (Page 2, paragraph 18). Such as disclosed in Ram, a user of a trading screen must maintain control over the cursor to select a desired price.

Ram's disclosure is representative in that the prior art perceived a need to give the trader control over the cursor to make selections such as an order price. A decision regarding what is a desired order price can easily vary, especially in fast moving markets when the user finds himself or herself chasing the market, closing an order position, or executing a trading strategy, for example. Examiner cited Jones (US 2002/0120551) in previous office actions. Applicant submits that Jones too discloses the need for the trader to have control over the cursor to select that desired price; e.g., see page 3, paragraphs 39-45; and Figs. 4 and 5C and its corresponding text. For instance, Jones discloses its simplicity of initiating an order by providing a trader with the simple ability of controlling the selection with a mere touching of the screen; see page 3, paragraph 34.

The totality of the prior art must be considered, and proceeding contrary to accepted wisdom in the art is evidence of nonobviousness. See e.g., M.P.E.P. § 2145. Here, the priort art of trading screens (upon which the presently claimed invention directly applies) disclosed a perceived need for complete control over the movement of the cursor by the user. Ram and Jones both disclose giving the user control of the cursor, not taking it away. Stated another way, neither Ram nor Jones disclose the removal of cursor control from the user in response to a

dynamic event like "upon receipt of new market data," or "upon receipt of the command to reposition."

Examiner also cites to a lone reference, Robertson, which is directed to a type of cursor control, but it is disclosed for specific uses outside of trading. Applicant respectfully submits that just because this reference exists, it does not imply that any of its teachings would be applied in electronic trading interfaces, especially in a manner that is contrary to accepted wisdom in trading interfaces (e.g., a perceived need to give a user control over a cursor to select his or her desired price or other order parameters is well known and accepted in the art of trading screens). See, e.g., M.P.E.P. § 2145 that states, "[r]eferences cannot be combined where reference teaches away from their combination."

Even so, Robertson also does not disclose taking away cursor control from the user in response to a dynamic occurrence or an unexpected event, like "upon receipt of new market data," or "upon receipt of the command to reposition." Indeed, Roberston states, "[t]he present invention automatically positions a cursor at predetermined locations on a computer visual display *in response to user commands*." (Emphasis added). (Col. 3, lines 31-33). To illustrate the system of the present invention, Robertson shows Fig. 1 to include a command entry device 20 (e.g., a button on the cursor control device) and a second command entry device 21 (e.g., a second button on the cursor control device). With respect to command 20 (referring to the command that initiates the process), Robertson states, "[t]he user can position the cursor at a desired location on the display 16 and press the command entry device 20 to activate a computer command associated with the selected location on the display." (Col. 4, lines 30 et seq.). To illustrate the process of the present invention, Robertson shows Fig. 2A, which includes step 54, "the system 10 alters the screen display on the display 16 *in response to user selection or activation of a new window*." (Emphasis added). (Col. 6, lines 44-46). In another instance, which illustrates the response to user control, Robertson states, "[t]he system 10 allows the *user to rapidly select* several options without ever having to manually reposition the cursor." (Emphasis added). (Col. 8, lines 51-53). In other words, Robertson

teaches click, update display, move cursor, click, update display, move cursor..., and so on.

Additionally, unlike the presently claimed invention, in which the placement of the cursor is not prestored or preconfigured, but is determined at or near the time of updating, Robertson uses a preconfigured storage area to determine where to place the cursor next based on the first selection or command. E.g., Robertson, col. 5, lines 8-55. This control list storage area 28 in Robertson is consistent with its click-update display-and-move disclosure. Stated another way, Roberston discloses moving the cursor to preconfigured locations, and does not disclose dynamic updating: "if by updating the plurality of price levels the price level would no longer correspond to the first location, but correspond to a second location, automatically displaying the cursor at the second location so that the cursor contines to corespond to the price level;" e.g., see claims 19 and 34.

Accordingly, the claimed invention provides a significant advantage over the system disclosed in Robertson and the trading screen prior art (e.g., Ram and Jones) in that a trader can freely move the cursor over the "plurality of locations on the graphical user interface," and:

"upon receipt of new market data," (claim 19) or

"upon receipt of the command to reposition" (claim 34) and

"if by updating the plurality of price levels the price level would no longer correspond to the first location, but correspond to a second location" (claim 19 and claim 34),

then, the cursor will be automatically repositioned to the second location to correspond to the same price level just before the screen update. (claim 19 and claim 34). So, if the screen gets updated as a result of some dynamic event and the price level over which the cursor is positioned, at that time, does change, then the cursor is automatically moved.

Applicant respectfully submits that there remains a significant and unobvious gap between the prior art and the presently claimed invention. Examiner suggests that the transition from Figures 25 to 26 in Ram shows that

cursor control is needed to ensure that when the transition occurs, the user's choice and placement of cursor corresponds with the price desired. However, Ram suggests nothing of the sort. In fact, as stated above, Ram and Jones (though not cited in this rejection) only disclose giving the user complete control to select his or her desired price – not to take away that control during moments of trading, especially during a dynamic, and oftentimes unexpected, event. Examiner is making an incorrect assumption that the computer knows what a trader's desired price is even *before* the trader inputs that price into the computer.

Applicant also submits that while the teaching of Robertson and trading screens in this particular instance cannot be properly combined knowing that the cited prior art discloses a trader must maintain control of a cursor to select a price, if Robertson is combined, Robertson also does not take cursor control away from a user during a dynamic and/or unexpected event. Rather, Roberston discloses a preconfigured, 'click'-'update display'-and-'move cursor' system that does not address the often fast and high stakes environment of electronic trading, in which user decisions are often made in fractions of a second, and does not make up the deficiencies of Ram. Applicant respectfully submits that only by using the instant claims as a guide or roadmap could one fill in this novel and unobvious gap.

For these reasons, the invention claimed in claims 19 and 34 and claims 20-33 and 35-40, which add additional limitations, are not taught by the Ram(Jones)/Robertson combination. Applicant respectfully requests reconsideration and solicits a Notice of Allowance. If Examiner believes that further dialog would expedite consideration of the application, Examiner is invited to contact Patent Counsel Mark Triplett at 312-476-1151, or the undersigned attorney or agent.

Respectfully submitted,

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